

MARY SCHULTZ
MARY SCHULTZ LAW, P.S.
2111 E. Red Barn Lane
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Attorney for Plaintiffs

The Hon. Thomas O. Rice

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

ERIN FRANKLIN, as an individual
Plaintiff, and the ESTATE of JOHN
FRANKLIN, by and through Personal
Representative Erin Franklin; BROCK
FRANKLIN, BLAKE FRANKLIN,
and AVERY FRANKLIN,

Plaintiffs,

v.

INTER-CON SECURITY SYSTEMS,
INC, and its Parent Company Inter-Con
Security Services, Inc., by and through
Jordan McGhee, and Jordan McGhee,
in his individual and personal capacity,

Defendants.

Case No. 2:23-cv-00338-TOR

REPLY DECLARATION OF
MARY SCHULTZ RE FEES

Hearing Date: March 4, 2024
Without Oral Argument

Mary Schultz, being duly sworn upon oath, declares and states as follows:

1. I am the Plaintiffs' attorney.

REPLY DECLARATION IN SUPPORT OF MOTION FOR
ATTORNEY FEES
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1 2. I would not name an individual as a defendant causing a wrongful
2 death by homicide absent proper evidence. A newspaper article is not that
3 evidence. I took good faith steps to ensure Mr. McGhee's identity as best as I
4 could before first naming him as the shooter in the first amended federal
5 complaint. ECF 5, paras. 2-6, 19-24.
6
7

8 3. Defendant Inter-Con, Inc. did not answer the original state court
9 complaint served on it on October 26, 2023, (ECF 5-1), nor has it yet answered
10 the first amended complaint filed in this court on December 1, 2023 (ECF 3), with
11 that amendment granted on January 22, 2024. ECF 15.
12
13

14 4. Both parties' counsel filed a "joint status report" in the Spokane
15 County Superior Court last week pursuant to this Court's remand order, so that a
16 case scheduling order could issue. Both parties noted that Defendant had not yet
17 answered the complaint, but has committed to doing so this week.
18
19

20 5. Defendant Inter-Con has not answered any interrogatory nor
21 produced any document in response to the discovery served on it on October 26,
22 2023, the date of service of the complaint. (ECF 5, para. 18).
23
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1 I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS
2 OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE
3 AND CORRECT TO THE BEST OF MY KNOWLEDGE.

4 Signed at Spokane County, Washington on this 22nd day of February, 2024.

5 MARY SCHULTZ LAW, P.S.

6
7 /s/Mary Schultz

8 Mary Schultz, WSBA #14198

9 Attorney for Plaintiffs

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CERTIFICATE OF SERVICE

The undersigned certifies that on the 22nd day of February, 2024, she filed and served the foregoing document to all counsel and parties using the Eastern District of Washington's electronic CM/ECF system, which will automatically serve notice to all attorneys who have appeared in this action and registered with the U.S. District Courts' e-filing system. Plaintiffs are not aware of any non-CM/ECF participants.

Dated this 22nd day of February, 2024.

MARY SCHULTZ LAW, P.S.

/s/Mary Schultz

Mary Schultz, WSBA # 14198

Attorney for Plaintiffs

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